

**APPENDIX TO THE
LOCAL BANKRUPTCY RULES
FOR THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA
CONTAINING LOCAL BANKRUPTCY FORMS
AND
UNITED STATES TRUSTEE GUIDELINES
FOR REVIEWING APPLICATIONS FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES UNDER 11 U.S.C. § 330
(Local Bankruptcy Forms to be cited as Mont. LBF ____)**

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Mont. LBF 1. Application to Approve Employment of Professional; and Affidavit.

Name of Trustee/Attorney

Address

Phone Number

(Attorney for _____)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
)
)
)
)
)
 Debtor(s).)

APPLICATION TO APPROVE EMPLOYMENT OF PROFESSIONAL; AND AFFIDAVIT

The Application of (Trustee or Debtor-In-Possession) respectfully represents:

1. On the ____ day of _____, 200_, debtor filed a petition herein under Chapter ____ of the Bankruptcy Code.
2. (Trustee or Debtor-In-Possession) wishes to employ (name of person to be employed) as (capacity in which person is to be employed).
3. Applicant has selected (name of person to be employed) for the following reasons:
(state reasons for the selection).
4. The professional services that (name of person to be employed) is to render include:
(state services to be rendered.)
5. To the best of Applicant's knowledge, (name of person to be employed) has no connection with the creditors, or any other party in interest, or their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and is a "disinterested person" as defined in 11 U.S.C. 101(14) except: (State any exceptions.)

4. I have received a general retainer in the amount of \$_____, which shall not be used to pay my compensation or for reimbursement of my expenses without prior approval of this Court.

Signature

Subscribed and sworn to before me this ____ day of _____, 200_.

(Notary Seal)

Notary Public for the State of Montana
Residing At: _____
My Commission Expires: _____

Mont. LBF 2. Adversary Proceeding Cover Sheet.

Only available in Portable Document Format. See National Form B104 @
www.mtb.uscourts.gov/rules.htm or www.mtb.uscourts.gov/reports/lbf2.pdf

Mont. LBF 3. Master Mailing List (Sample).

Only available in Portable Document Format. See form @ www.mtb.uscourts.gov/rules.htm or www.mtb.uscourts.gov/reports/lbf3.pdf

Mont. LBF 4. Debtor's Motion to Amend Schedules and Mailing Matrix.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
)
)
Debtor(s).)

DEBTOR'S MOTION TO AMEND SCHEDULES AND MAILING MATRIX *

The debtor, by counsel, moves the Court for an order as follows:

1. To amend Schedule(s) _____ to add/delete/change the following
property/creditors/entries: _____

Copies of revised schedules and summary of assets, liabilities, and exemptions are attached hereto, together with a certificate of service verifying that a copy of the amended list or schedule, the Notice of Bankruptcy Case, Meeting of Creditors, and Deadlines, any order of discharge, any other document filed that affects an added creditor's rights and any notice or order setting or extending any deadlines for filing claims or complaints for determining dischargeability or exceptions to discharge, have been mailed to the added creditor.

This Motion is based upon the grounds that said correction is required because [**state grounds**] and in order to make Debtor's schedules complete and accurate.

The date for filing objections to discharge is _____.

DATED this ____ day of _____, 200__.

By: _____

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the documents served.)

* Reference to the master mailing list is not required unless additional creditors are added or deleted. If mailing list correction is required, provide a supplemental mailing list with only the added creditors. *See* Mont. LBR 1007-2; and Mont. LBR 1009-4.

Mont. LBF 4-A. Order Granting Debtor's Motion to Amend Schedules.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
 _____)
 _____)
 Debtor(s).)

ORDER GRANTING DEBTOR'S MOTION TO AMEND SCHEDULES

Pursuant to Debtor's Motion to Amend Schedules **[and Mailing List, if necessary]**, and good cause appearing therefore:

IT IS HEREBY ORDERED that the Debtor's Motion to Amend Schedules **[and Mailing List, if necessary]** is granted, and the debtor is ordered to supplement debtor's master mailing list, if necessary, and to comply with the notice provisions of Mont. LBR 1009-4, if creditors are being added or deleted from the schedules.

DATED this _____ day of _____, 200_.

BY THE COURT:

United States Bankruptcy Judge

Mont. LBF 5. Application for Continuance of § 341(a) Meeting of Creditors.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
)
)
)
Debtor(s).)

APPLICATION FOR CONTINUANCE OF § 341(a) MEETING OF CREDITORS

The undersigned makes application to the Office of United States Trustee for a continuance of the § 341(a) meeting of creditors in the above-entitled case which is presently scheduled for the ____ day of _____, 200_, at the hour of _____ o'clock, __.m. The circumstances necessitating a continuance are as follows:

.

DATED the ____ day of _____, 200_.

Debtor(s), or Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

NOTE: Grounds for continuance shall **not** include unavailability of debtor's counsel unless extraordinary cause exists. *See* Mont. LBR 2003-4.

Mont. LBF 5-A. Disposition of Application for Continuance of § 341(a) Meeting.

Neal G. Jensen
Assistant U.S. Trustee
Liberty Center, Suite 204
301 Central Avenue
Great Falls, MT 59401
(406) 761-8777

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

DISPOSITION OF APPLICATION FOR CONTINUANCE OF § 341(a) MEETING

The Application for Continuance of § 341(a) Meeting of Creditors filed herein by the debtor(s) is GRANTED ____ /DENIED ____.

If granted, the § 341(a) meeting for the above-entitled case shall be continued until the ____ day of _____, 200_, at the hour of _____ o'clock, __.m. Pursuant to Mont. LBR 2003-4, the debtor or debtor's attorney must notify all creditors, the trustee and other parties in interest, in writing using Mont. LBF 6, of the continuance and the new § 341(a) meeting date at least seven (7) days prior to the date of the originally scheduled § 341(a) meeting. Proof of service of the Notice of Continuance must be filed with the Clerk and the Office of United States Trustee pursuant to Mont. LBR 9013-1(c).

DATED this ____ day of _____, 200_.

Mont. LBF 6. Notice of Continuance of § 341(a) Meeting.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
)
)
Debtor(s).)

NOTICE OF CONTINUANCE OF § 341(a) MEETING OF CREDITORS

On the application of the debtor(s) in the above-entitled case, notice is hereby given of the continuance of the § 341(a) meeting of creditors which is presently scheduled for the ____ day of _____, 200_, at the hour of ____ o'clock __.m. For good cause, the Office of United States Trustee has granted a continuance of such meeting, and the § 341(a) meeting of creditors in this case shall now be held on the ____ day of _____, 200_, at the hour of _____ o'clock, __.m., at the location checked below:

- _____ Third Floor Courtroom, Federal Building, 215 1st Avenue North, Great Falls, Montana
_____ Second Floor Courtroom, Federal Building, 400 No. Main, Butte, Montana
_____ Fifth Floor Courtroom, Federal Building, 316 North 26th St., Billings, Montana

_____ 201 East Broadway, Russell Smith Federal Building,
Missoula, Montana
_____ The Community Room of the Justice Center, 920 S. Main, Kalispell,
Montana

DATED this ____ day of _____, 200_.

Debtor(s), or Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 7. Trustee's Notice of Debtor's Failure to Appear.

Name of Trustee

Address

Phone Number

(Trustee)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
)
)
Debtor(s).)

TRUSTEE'S NOTICE OF DEBTOR'S FAILURE TO APPEAR AT §341(a)
MEETING OF CREDITORS, AND REQUEST FOR DISPOSITION

The undersigned trustee hereby notifies the Court pursuant to Mont. LBR 2003-7 that the following named debtor(s) failed to appear at the scheduled § 341(a) meeting of creditors:_____
_____. (If a joint petition was filed and one debtor appeared and one failed to appear, just the absent debtor is listed.)

_____ The trustee requests that the absent debtor's case remain open and the debtor be ordered to appear and be examined at a continued § 341(a) meeting of creditors.

_____ The trustee requests that the absent debtor's case be dismissed, and if a joint petition was filed that the case be bifurcated and the absent debtor's case be dismissed.

DATED this ____ day of _____, 200_.

Trustee

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 7-A. Order.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
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)
)
 Debtor(s).)

ORDER

Pursuant to the Trustee's Notice of Debtor's Failure to Appear at § 341(a) Meeting of Creditors, and Request for Disposition, and good cause appearing therefore,

IT IS HEREBY ORDERED:

_____ The following named debtor(s) shall appear and be examined by the trustee at a continued § 341(a) meeting of creditors, following proper notice to creditors and other parties in interest: _____.

_____ The above-entitled case is dismissed due to the debtor(s) failure to appear at the scheduled § 341(a) meeting of creditors.

_____ The above-entitled joint case is bifurcated and the case of _____ is dismissed for failure of such debtor to appear at the scheduled § 341(a) meeting of creditors.

DATED this ____ day of _____, 200__.

BY THE COURT:

United States Bankruptcy Judge

Mont. LBF 8. Motion to Modify Stay.

Name of Attorney/Party in Interest

Address

Phone Number

[If applicable:

(Attorney for _____)

State Bar I.D. Number _____]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
)
)
)
 Debtor(s).)

MOTION TO MODIFY STAY, AND NOTICE

The Motion of _____ (hereinafter "Creditor") respectfully represents:

1. The Debtor(s) filed a Petition in this Court under Chapter ____ of the Bankruptcy Code on the ____ day of _____, 20__.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont. LBR 4001-1, provides the following information:

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____ .

(b) The date upon which the subject debt was incurred was _____.

(c) Creditor holds a security interest or lien upon the following described property of the estate:

(d) The nature of Creditor's security interest, the date upon which the security interest was obtained, and the date upon which the security interest was perfected are as follows: _____

Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Motion.

(e) A description of Creditor's collateral, including its location, is as follows:

(f) The fair market value of Creditor's collateral is \$ _____.

(g) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:

(h) If the debtor is in default, the number of defaulted installments and the total amount in default are as follows:

(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 362: _____.

(j) Other facts which are relevant in determining whether relief should be granted are as follows:

3. Creditor further represents that in the event the Court grants this Motion, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable nonbankruptcy law. Upon disposition of such collateral, Creditor will account for all proceeds to the Court (and trustee, if applicable), and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court (and trustee, if applicable).

WHEREFORE, Creditor moves the Court to grant this Motion to Modify Stay, and to grant such other relief as the Court may deem appropriate.

DATED this ____ day of _____, 20__.

By: _____
Attorney for Creditor

NOTICE TO DEBTOR(S)

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time and location of the hearing can be obtained from the Clerk of Court or from the Court's website at www.mtb.uscourt.gov. In the event such scheduled hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.

If you fail to file a written response to the above Motion to Modify Stay with the particularity required by Mont. LBR 4001-1(b), and request a hearing, within ten (10) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion for relief should be granted without further notice or hearing.

DATED this _____ day of _____, 200_.

By: _____
Attorney for Creditor

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed "under penalty of perjury.")

Mont. LBF 8-A. Stipulation to Modify Stay.

Name of Attorney/Party in Interest

Address

Phone Number

[If applicable:

(Attorney for _____)

State Bar I.D. Number _____]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.

)

)

)

)

Debtor(s)

)

STIPULATION TO MODIFY STAY

The undersigned Creditor, _____, the above-named Debtor(s), and the trustee, if applicable, hereby stipulate as follows:

1. The Debtor(s) filed a Petition in this Court under Chapter ____ of the Bankruptcy Code on the ____ day of _____, 200_.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont. LBR 4001-1, provides the following information:

- (a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____.
- (b) The date upon which the subject debt was incurred was _____.
- (c) Creditor holds a security interest or lien upon the following described property of the estate:

- (d) The nature of Creditor's security interest, the date upon which the security interest was obtained, and the date upon which the security interest was perfected are as follows:

Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1.

- (e) A description of Creditor's collateral, including its location, is as follows:

- (f) The fair market value of Creditor's collateral is \$ _____.

- (g) A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:

- (h) If the Debtor(s) is in default, the number of defaulted installments and the total amount in default are as follows: _____

- (i) This Stipulation is made under and pursuant to the following subsection of 11 U.S.C. § 362: _____.

- (j) Other facts which are relevant to this Stipulation are as follows:

3. Creditor agrees that in the event the Court grants the relief sought by this Stipulation, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable non-bankruptcy law. Upon disposition of such collateral, Creditor shall account for all proceeds to the Court, and trustee if applicable, and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court, or trustee if applicable.

WHEREFORE, the undersigned Creditor, Debtor(s) and Trustee, if applicable, hereby stipulate that the Court may modify the stay in accordance with the terms of this Stipulation.

DATED this ____ day of _____, 200__.

Name of Creditor: _____

By: _____

Creditor or Attorney for Creditor

By: _____

Debtor(s) or Attorney for Debtor(s)

By: _____
Trustee (if applicable)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 9. Debtor's Consent to Creditor's Motion to Modify Stay.

Name of Attorney

Address

Phone Number

(Attorney for _____)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____

)

)

)

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)

Debtor(s). _____

)

DEBTOR'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY

The undersigned Debtor(s) hereby consents to the Motion to Modify Stay filed herein by _____ (Creditor) dated the ____ day of _____, 200_. This Consent is given in accordance with Mont. LBR 4001-1(a).

DATED this ____ day of _____, 200_.

Debtor

Debtor

APPROVED:

Attorney for Debtor(s)

Mont. LBF 9-A. Trustee's Consent to Creditor's Motion to Modify Stay.

Name of Trustee

Address

Phone Number

(Trustee)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
)	
)	
Debtor(s).)	

TRUSTEE'S CONSENT TO CREDITOR'S MOTION TO MODIFY STAY

The undersigned trustee hereby consents to the Motion to Modify Stay filed herein by _____ (Creditor) dated the ____ day of _____, 200_. This consent is given in accordance with Mont. LBR 4001-1(a).

DATED this ____ day of _____, 200_.

Trustee

Mont. LBF 10. Reaffirmation Agreement [or Official Form B 240 issued by the Administrative of the U.S. Courts may be used in substitution of Mont. LBF 10.]

Name of Attorney
Address
Phone Number
(Attorney for Debtor)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
)
Debtor(s).)

REAFFIRMATION AGREEMENT

Creditor's Name and Address: _____

Summary of Terms of the New Agreement:

(a) Principal Amount	\$ _____
Interest Rate (APR)	_____
Monthly Payments	\$ _____
Date Payments to Commence	_____
(b) Description of Security	_____
Present Market Value	\$ _____

The parties understand that this agreement is entirely voluntary, and such agreement is not required under the Bankruptcy Code, state law, or under any agreement between the parties. The Debtors understand if they reaffirm this obligation, their liability on such obligation will be fully

restored and fully enforceable under state law in accordance with its terms. **THE PARTIES FURTHER UNDERSTAND THAT THIS AGREEMENT MAY BE RESCINDED BY THE DEBTORS AT ANY TIME PRIOR TO DISCHARGE OR WITHIN SIXTY DAYS AFTER THE AGREEMENT IS FILED WITH THE COURT, WHICHEVER OCCURS LATER, BY GIVING NOTICE OF RESCISSION TO THE CREDITOR.**

The Debtors affirm the following to be true and correct:

1) I am/am not (circle one) represented by an attorney in connection with this bankruptcy case.

2) My current monthly net income is \$ _____.

3) My current monthly expenses total \$ _____, including any payment due under this agreement.

4) I believe this agreement is in my best interests because

Therefore, I/we ask the Court for an Order approving this Reaffirmation Agreement.

Date

Signature of Debtor

Signature of Creditor

Signature of Joint Debtor

Mont. LBF 10-A. Attorney's Declaration.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MONTANA

In re) Case No. _____
)
)
)
)
)
)
Debtor(s).)

ATTORNEY'S DECLARATION
PURSUANT TO 11 U.S.C. § 524(c)(3)(C)

I, _____, attorney at law, declare as follows:

1. I represented the Debtor(s) during the course of negotiating the reaffirmation agreement dated _____, which is filed in this case.
2. I have fully advised the Debtor(s) as to the legal effect and consequences of the reaffirmation agreement, including any default thereunder. To the best of my knowledge, information, and belief, that reaffirmation agreement represents a fully informed and voluntary agreement by the Debtor(s), and does not impose an undue hardship on the Debtor(s) or a dependent of the Debtor(s).

DATE: _____

Attorney for Debtor(s)

Mont. LBF 10-B. Order Approving Reaffirmation Agreement.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MONTANA

In re _____) Case No. _____
 _____)
 _____)
 _____)
 Debtor(s).)

ORDER APPROVING REAFFIRMATION AGREEMENT

At Butte, in said District, this _____ day of _____, 200_.

Debtor(s) and Creditor, _____, filed a reaffirmation agreement pursuant to 11 U.S.C. § 524(c) and Mont. LBR 4008-1 to reaffirm a debt in the principal amount of \$_____ according to the terms of such agreement.

IT IS ORDERED that the Reaffirmation Agreement identified above and filed with this Court is approved.

United States Bankruptcy Judge

Mont. LBF 11. Notice of Trustee's Intent to Abandon Property.

Name of Trustee
Address
Phone Number
(Trustee)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
Debtor(s).)

NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY

To: The U. S. Trustee, Debtor(s), and Parties in Interest:

Notice pursuant to 11 U.S.C. § 554(a) is hereby given that the Trustee of the above-named debtor's estate intends to abandon the following property as burdensome and of inconsequential value to the estate:

Description of Item	Scheduled or Estimated Value	Amount Secured or Exempt	Lienholder Name and Address	Estimated Liquidation Expenses	* Net Value- Estate
------------------------	------------------------------------	--------------------------------	-----------------------------------	--------------------------------------	---------------------------

Reason for Abandonment: **

Objections to the above abandonment must be filed in writing with the Court and served upon the United States Trustee (at 301 Central, Suite 204, Great Falls, MT 59401) and the undersigned trustee.

If you object to the notice, you must file a written responsive pleading and request a hearing within fifteen (15) days of the date of the notice. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the request for abandonment as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

Date

Trustee

* Enter zero (-0-) if the estimated expenses and/or amount of secured interests exceed the actual or estimated value of the property.

** Explain all entries in the last column if zero (-0-) was not entered.

A Certificate of Service to all persons on the mailing list shall be attached to this notice.

Mont. LBF 12. Notification by U.S. Trustee of Debtor's Payment of Quarterly Fees.

Neal G. Jensen
Assistant U.S. Trustee
Liberty Center, Suite 204
301 Central Avenue
Great Falls, MT 59401
(406) 761-8777

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
)	
)	
Debtor(s).)	

NOTIFICATION BY OFFICE OF UNITED STATES TRUSTEE
OF DEBTOR'S PAYMENT OF QUARTERLY FEES

The U. S. Trustee hereby notifies the Court, pursuant to Mont. LBR 3020-1, that the above-named debtor has paid all fees due under 28 U.S.C. § 1930(a)(6), or has provided in its plan that such fees will be paid on or before the effective date of such Plan, as required by 11 U.S.C. § 1129(a)(12).

DATED this ____ day of _____, 200_.

United States Trustee

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 13. Motion for Final Decree in Chapter 11 Case.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re)	Case No.
)	
)	
)	
)	
)	
Debtor(s).)	

MOTION FOR FINAL DECREE IN CHAPTER 11 CASE

The above-named debtor(s), acting by and through counsel of record, respectfully moves the Court to enter a Final Decree in the above-entitled case, pursuant to 11 U.S.C. § 350 and F.R.B.P. 3022. The undersigned represents to the Court the following:

1. The Order confirming the Plan has become final;
2. Any deposits required by the Plan have been distributed.
3. Any property proposed by the Plan to be transferred has been transferred;
4. The debtor or successor of the debtor under the Plan has assumed the business or the management of the property dealt with by the Plan;
5. The payments under the Plan have commenced; and
6. All motions, contested matters, and adversary proceedings have been finally resolved.

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____
Time: _____
Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 14. Chapter 12 Plan.

Name of Attorney

Address

Phone Number

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
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)
 Debtor(s).)

CHAPTER 12 PLAN

1. The future earnings and projected disposable income of the debtor(s) are submitted to the supervision and control of the Court, and the debtor(s) shall pay to the trustee (state amount and frequency of payments, and payment dates) the sum of \$ _____, according to the attached exhibit of income and expenses.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) Allowed claims of administration required by 11 U.S.C. § 507(a)(1).

(b) Payments to secured creditors whose claims are duly proven and allowed as follows:

<u>Name of Creditor</u>	<u>Value of Security</u>	<u>Payment (Amount and Frequency)</u>	<u>Interest</u>
-------------------------	------------------------------	---	-----------------

(The allowed claims of each of the creditors listed above shall be allowed as a secured claim in the amount of the value of the security and will be paid in installments as shown until the allowed secured claim together with interest upon the unpaid balance at the rate stated above has been paid. Secured creditors shall retain their liens and priority until their allowed secured claims have been paid. In order for any unsecured deficiency to be allowed and paid under paragraph 2.(d) below, a timely proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.)

(c) Debts entitled to priority under and in the order prescribed by 11 U.S.C. §

507.

(d) From the disposable income after the above payments, dividends to unsecured creditors whose claims are fully proven and allowed as follows: (If less than 100% of unsecured claims are to be paid, state that unsecured creditors will receive the greater of all of the debtor's disposable income during the term of the plan pursuant to 11 U.S.C. § 1225(b)(1)(B), or the liquidation value of the debtor's non-exempt assets pursuant to 11 U.S.C. § 1225(a)(4).)

3. The following executory contracts and leases of the debtor(s) are rejected, the debtor(s) shall surrender any collateral, and any allowed unsecured claim for damages resulting from such rejection shall be paid under paragraph 2.(d) above:

4. The secured property described below will be surrendered to the following named creditors, and any allowed unsecured claim resulting from such surrender shall be paid under paragraph 2.(d) above:

5. The following creditors' claims are fully secured, shall be paid directly by the debtor(s) pursuant to the original contract terms, and shall receive no payments under paragraph 2. of this Plan:

6. The property described below is to be sold (state the offering price, and whether it will be offered through a broker; and if so, who; and state the date by which it will be sold and what will occur if it is not timely sold), all offers received by the debtor(s) shall be promptly communicated to the trustee and any lienholders, and no sale of such property shall be completed without notice to the trustee and any lienholders and an opportunity provided for a hearing on such sale:

7. Interest on all unsecured claims shall have ceased on the date this case was filed. All allowed unsecured claims of \$25.00 or less may be paid in advance of other allowed unsecured claims.

8. Except as provided in this plan or in the order confirming this plan, upon confirmation of this plan all of the property of the estate shall vest in the debtor(s) free and clear of any claim or interest of any creditor provided for by this plan, pursuant to 11 U.S.C. § 1227.

9. In accordance with 11 U.S.C. § 1229, the Court may, from time to time, during the term of this plan, increase or reduce the amount of any of the installment payments provided for by this plan, or extend or shorten the time for any such payments, where it appears, after motion and hearing upon such notice as the Court may deem appropriate, that the debtor's change in circumstances so warrants or requires.

DATED this ____ day of _____, 200_.

Debtor

Debtor

Mont. LBF 15. Motion for Rule 2004 Examination.

Name of Attorney

Address

Phone Number

(Attorney for _____)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
)
Debtor(s).)

MOTION FOR RULE 2004 EXAMINATION

Pursuant to F.R.B.P. 2004, the undersigned respectfully requests the Court to order an examination as follows:

1. Witness to be examined:
2. Date:
3. Time:
4. Place:
5. Scope of examination:
6. Documents to be produced:
7. Time, Date and Place of Production (if different from examination):
8. Moving Party's Calculation of Mileage pursuant to F.R.B.P. 2004(e):
9. The undersigned has contacted opposing counsel, _____, who advises that

he/she does/does not oppose this Motion and will/will not agree to produce the documents described herein without a subpoena duces tecum pursuant to F.R.B.P. 9016.

DATED this ____ day of _____, 200_.

By: _____
Attorney for _____

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty.”)

Mont. LBF 16. Order for Rule 2004 Examination.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
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 Debtor(s).)

ORDER FOR RULE 2004 EXAMINATION

Pursuant to the Motion for Rule 2004 Examination filed herein by _____,
it appearing that said examination is authorized by F.R.B.P. 2004, and good cause appearing
therefore:

IT IS HEREBY ORDERED,

1. That _____ shall appear and be examined by the Moving Party at the
time and place described in the Motion for 2004 Examination;
2. That _____ shall produce those documents for inspection and copying
in connection with said examination held pursuant to F.R.B.P. 2004 at the time and place
described in the Motion for 2004 Examination;
3. That subpoenas duces tecum may be issued pursuant to F.R.B.P. 9016 by the Clerk of
the Bankruptcy Court; and
4. That the Clerk of the Bankruptcy Court shall send a copy of this Order to all parties in
interest.

DATED this ____ day of _____, 200_.

BY THE COURT:

United States Bankruptcy Judge

Mont. LBF 17. Application for Professional Fees and Costs.

Name of Attorney
Address
Phone Number
(Attorney for _____)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
_____)_____
_____)_____
_____)_____
_____)_____
Debtor(s). _____)

* APPLICATION FOR PROFESSIONAL FEES AND COSTS
(* Indicate whether Interim or Final Application)

The undersigned professional hereby makes application for approval of an award of fees in the amount of \$_____ and costs in the amount of \$_____, and in support of this application respectfully represents:

1. This case was commenced on _____.
2. Applicant filed an application for appointment as _____ (describe profession) for _____ (describe identity of party represented; e.g., estate/debtor-in- possession/committee of unsecured creditors) on _____.
3. An order appointing applicant was entered by the Court on _____.
4. Professional services were commenced on _____.
5. This application is the _____ (1st, 2nd, etc.) application filed by applicant in this proceeding, and the following is a complete schedule of all prior applications submitted to the Court for approval:

<u>Date Filed</u>	<u>Amount Requested</u>	<u>Date Approved</u>	<u>Amount Approved</u>
-------------------	-------------------------	----------------------	------------------------

Total Amount Previously Approved: \$_____

6. To date, applicant has received as compensation the following amounts from the following sources:

<u>Date Received</u>	<u>Amount Received</u>	<u>Source of Payment</u>
----------------------	------------------------	--------------------------

Total Amount Received: \$_____

7. This application is based on the performance of professional services by the following individuals at the rates and for the number of hours described below:

<u>Individual</u>	<u>Total Hours</u>	<u>Hourly Rate</u>	<u>Compensation</u>
-------------------	--------------------	--------------------	---------------------

Total Compensation Requested: \$_____

8. The compensation requested is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under the Bankruptcy Code. (If not, state the reason for any deviation from such standard.)

9. Applicant certifies that none of the compensation or reimbursement for costs applied for in this application will be shared with any entity in violation of 11 U.S.C. § 504.

10. Attached are complete time records detailing each service performed by date, description, and the number of hours expended, under the appropriate project categories (if applicable under Mont. LBR 2016-1), for which compensation is requested.

11. Attached is a complete accounting for all costs incurred for which reimbursement is requested.

12. The amount of costs were computed utilizing the following methods of allocation:

(Example)
(Copies are charged at the rate of \$.10 each.)
(Long distance calls are charged at actual cost.)
(Mileage is charged at federal allowed per mile rate.)

13. In addition to the payments already received, applicant has been promised the following payment for services in connection with this case:

Amount Promised

Identity of Promisor

Conditions/Terms

14. Case Status: (Insert relevant information required by Section II.B of the United States Trustee Guidelines, as set forth in the Appendix to the Montana Local Bankruptcy Rules.)

15. _____ (Name of person on whose behalf applicant is employed) has been given the opportunity to review this application and [approves/does not approve] the requested amount.

WHEREFORE, applicant prays that this Court enter an Order awarding applicant reasonable professional fees in the amount of \$_____ and reimbursement of costs and expenses in the amount of \$_____.

DATED this ____ day of _____, 200_.

By: _____
Applicant

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed "under penalty of perjury.")

Mont. LBF 18. Chapter 12 Pre-confirmation Hearing Order.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
Debtor(s).)

CHAPTER 12 PRE-CONFIRMATION HEARING ORDER

The above-named debtor(s) have filed a plan under Chapter 12 of the Bankruptcy Code. A pre-confirmation hearing conference on such plan will be held on the ____ day of _____, 200_, at the _____ Building/Courtroom, at _____, Montana, on the following cases:

The following procedure will govern these proceedings:

1. The debtor shall provide the trustee with all accounting records necessary to evaluate the feasibility of the plan (including, but not limited to, the previous three years' tax returns and any projections or calculations upon which plan payments are based) not less than 14 days prior to the hearing.
2. All parties objecting to the confirmation of the plan shall appear and be heard. Written objections to the debtor's plan are to be filed with the Court and a copy served on debtor's counsel and the trustee not less than 48 hours prior to the hearing.
3. The trustee shall appear and report. Prior to the conclusion of the preliminary hearing, the trustee shall make a recommendation regarding confirmation of the plan.
4. No evidence will be taken, except, if there are no objections to confirmation and comments from all creditors have been entered, evidence supporting confirmation will be received.
5. If a final confirmation hearing is required, it will be set at the preliminary hearing and conducted at the time and date set by the Court.
6. A list of all witnesses shall be filed with the Court and served on all parties not less than 15 days prior to the date set for the confirmation hearing.

ORDERED this ____ day of _____, 200_.

Mont. LBF 19. Chapter 13 Plan.

Name of Attorney
Address
Phone Number
(Attorney for Debtor)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
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 Debtor(s).)

CHAPTER 13 PLAN (DATED _____)

1. The future earnings and other income of the debtor(s) are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this plan, and debtor(s) shall pay to the Trustee the sum of \$_____ each month until this plan is completed. It is contemplated that this plan will take _____ months to complete.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) Administrative Claims. In advance of all other claims, the Trustee shall pay those claims, fees or charges specified in 11 U.S.C. § 507(a)(1), including the debtor's attorney fees and costs in such amount as may be allowed by the Court.

(b) Impaired Secured Claims. After payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. § 506(a), together with interest at the rate prescribed below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Allowed Secured Claim *</u>	<u>Rate of Interest</u>
-------------------------	--------------------------------	-------------------------

[* This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.]

Secured creditors shall retain their liens until their allowed secured claims have been paid in full, together with interest. In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) Unimpaired Secured Claims. The following secured creditors, whose claims will be left unimpaired by this plan, are not provided for by this plan and shall receive no payments through the trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Description of Collateral</u>
-------------------------	----------------------------------

Concurrently with the payments on impaired secured claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on a pro rata basis until the same have been paid in full:

<u>Name of Creditor</u>	<u>Amount of Arrearage</u>
-------------------------	----------------------------

(d) Priority Claims. After payments provided for above, the Trustee shall pay allowed claims entitled to priority in such order as specified in 11 U.S.C. § 507.

(e) Unsecured Claims. After the payments specified above, the Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

(f) Liquidation Analysis. The total amount distributed under paragraphs 2.(d) and (e) will be at least \$_____, which exceeds what would be available to pay unsecured claims if the debtor's estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not be entered by the Court until said sum has been distributed, or until all allowed unsecured claims have been paid in full, whichever is less.

3. The debtor(s) rejects the following executory contracts and unexpired leases, and shall surrender property subject to such contracts or leases:

<u>Type of Agreement</u>	<u>Date of Agreement</u>	<u>Other Party to Contract</u>
--------------------------	--------------------------	--------------------------------

All other executory contracts and unexpired leases shall be affirmed.

4. Debtor(s) reserves the right to incur postpetition secured debts, upon prior written approval of the Trustee, for items necessary to debtor(s) performance under this plan.

5. The Debtor(s) shall commit all projected disposable income to the plan and shall report any changes in income to the trustee.

6. Other Provisions:

7. Under penalty of perjury Debtor(s) affirms that all federal and state income, employment and other tax returns due as of the date of this plan have been filed with the appropriate agency.

DATED this ____ day of _____, 200_.

Debtor

Debtor

Mont. LBF 20. Motion for Leave to File Alternate Form of Chapter 13 Plan.

Name of Attorney
Address
Phone Number
(Attorney for Debtor)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
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)
)
Debtor(s).)

MOTION FOR LEAVE TO FILE ALTERNATE FORM OF CHAPTER 13 PLAN

The undersigned respectfully moves the Court for leave to file an alternate form of Chapter 13 Plan than that required by Mont. LBR 9009-4 and set forth in Mont. LBF 19. The reasons for this request are as follows:

WHEREFORE, the Court is requested to allow the above-named Debtor(s) to file an alternate form of Chapter 13 Plan.

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont LBF 20-A. Order Granting Leave to File Alternate Form of Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.
)
)
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)
)
 Debtor(s).)

ORDER GRANTING LEAVE TO FILE ALTERNATE FORM OF CHAPTER 13 PLAN

Pursuant to the Motion for Leave to File Alternate Form of Chapter 13 Plan filed herein by the Debtor(s), and good cause appearing therefore,

IT IS HEREBY ORDERED, that the Debtor(s) motion is granted and the Debtor(s) may file an alternate form of Chapter 13 Plan than that required by Mont. LBR 9009-4.

DATED this ____ day of _____, 200_.

BY THE COURT:

United States Bankruptcy Judge

Mont. LBF 21. Notice of Late Filed Claim.

Name of Trustee

Address

Phone No.

(Chapter 13 Standing Trustee)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.

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Debtor(s).

)

NOTICE OF LATE FILED CLAIM

TO: _____ [name of creditor] _____

PROOF OF CLAIM NO.: _____ [claims register number] _____

The undersigned Chapter 12/13 Standing Trustee provides this notice pursuant to Montana Local Bankruptcy Rule 3002-1 that the proof of claim you filed in the above-entitled case was filed late, after the expiration of the bar date for filing claims fixed by the Court in the “Notice of Commencement of Case” previously sent to all creditors and other parties in interest in this case.

Bar Date Fixed By Court: _____

Date Proof of Claim Filed: _____

Because your Proof of Claim was filed late, Mont. LBR 3002-1 provides that such claim shall be deemed disallowed, without formal objection or hearing, unless you file a response and request a hearing within ten (10) days of the date of this notice.

If you respond, then you shall notice the contested matter for hearing pursuant to Mont. LBR 9013-1 and shall schedule the hearing on the objection and response at least twenty (20) days after the date of the your response and request for hearing.

If you fail to file a written response to the objection to the late filed claim within ten (10) days of the date of the notice, the failure to respond shall be deemed an admission that the objection should be sustained by the Court without further notice or hearing.

DATED this ____ day of _____, 200_.

By: _____
Chapter 12/13 Standing Trustee

CERTIFICATE OF SERVICE

I, the undersigned Chapter 12/13 Standing Trustee, do hereby certify under penalty of perjury that a copy of the Notice of Late Filed Claim was served on the ____ day of _____, 200_, and directed to the following:

Late Filing Creditor:

Debtor(s):

Debtor's Counsel:

Chapter 12/13 Standing Trustee

Mont. LBF 22. Motion for Valuation of Security and Notice.

Name of Attorney
Address
Phone No.
State Bar Id. No.
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re:) Case No.
)
)
)
Debtor(s).)

MOTION FOR VALUATION OF SECURITY, AND NOTICE

Pursuant to F.R.B.P. 3012 and Mont. LBR 3012-1, the undersigned respectfully moves the Court to determine the value of the following claim secured by a lien on property of the debtor's estate. For purposes of the debtor's plan, the undersigned alleges that the value of the following creditor's secured claim is as stated below, because pursuant to 11 U.S.C. § 506(a) secured claims are to be valued and allowed as secured to the extent of the value of the collateral.

Name of Creditor: _____

Value of collateral as alleged by debtor(s): _____

Description of collateral at issue: _____

Proof of claim number as set forth on the Claims Register: _____

WHEREFORE, the undersigned moves the Court to fix the value of the above-named creditor's collateral and, therefore, the amount of its secured claim, in the amount alleged above.

DATED this ____ day of _____, 20__.

By: _____
Attorney for Debtor(s)

NOTICE TO CREDITOR

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 200__.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 23. Request for Special Notice.

Name of Attorney/Party in Interest

Address

Phone Number

[If applicable:

(Attorney for _____)

I.D. No. _____]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.

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)

Debtor(s)

)

REQUEST FOR SPECIAL NOTICE

Pursuant to F.R.B.P. 2002(i) and (g), _____, a creditor/party in interest in the above-entitled bankruptcy case, hereby requests that all matters which must be noticed to creditors, any creditors' committees, and any other parties in interest, whether sent by the Court, the debtors or any other party in the case, be sent or delivered to the undersigned; and pursuant to F.R.B.P. 2002(g), that the following be added to the Court's master mailing matrix:

Name of Attorney/Party in Interest

Address

Phone Number

Fax Number

E-mail address

Such notices shall include notices by mail, telephone, facsimile, or any other means of electronic transmission, and the notices requested shall include, but are not limited to, all notices relating to the matters set forth in F.R.B.P. 2002; matters relating to any motion for the appointment of a trustee, or conversion or dismissal of the case; matters relating to the proposing or confirming of a plan; matters relating to adequate protection and the debtor's obtaining of credit under 11 U.S.C. § 361 or 364; and matters relating to the use, sale or lease of property under 11 U.S.C. § 363, or the assumption or rejection of executory contracts or unexpired leases under 11 U.S.C. § 365.

DATED this ____ day of _____, 200_.

By: _____
Attorney for .../Party in Interest

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 24. Motion to Avoid Lien under 11 U.S.C. § 522(f) and Notice.

Name of Attorney

Address

Phone No.

(Attorney for Debtor)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re) Case No.

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)

Debtor(s).

)

MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f), AND NOTICE

Pursuant to F.R.B.P. 4003(d) and Mont. LBR 4003-4, the undersigned respectfully moves the Court to avoid the lien of _____ on property of the debtor's estate pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)]. In support of its motion, the undersigned alleges as follows:

Name of creditor: _____.

Type of lien: [Judicial or nonpossessory, nonpurchase-money security interest]
(If judicial lien, set forth the cause number, title of the case, originating court, date of entry of judgment, and amount(s); and attach copies of judgment(s) or documents evidencing the lien.)

Description of property secured by the lien:

Market value of the debtor's interest in the above-described property: \$_____

Statute(s) under which debtor claims property as exempt: _____

For purposes of 11 U.S.C. § 522(f)(2)(A):

Amount of the lien: _____

Description of other creditors and amounts of all other liens on the property and the respective priority of each:

Amount of exemption the debtor could claim if no liens existed on the property:

WHEREFORE, the undersigned moves the Court to avoid the lien of the above-named Creditor pursuant to 11 U.S.C. § 522(f)(1) [(A) or (B)] on the ground that such lien impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(b).

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

NOTICE TO CREDITOR

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this ____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c) reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 25. Motion to Assume [Reject] Executory Contract [or Unexpired Lease].

Name of Attorney

Address

Phone Number

(Attorney for _____)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No.
)
)
)
)
)
 Debtor(s).)

MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT
[OR UNEXPIRED LEASE]

The Motion of _____ (hereinafter "Creditor") respectfully represents:

1. The debtor(s) filed a petition in this Court under chapter ____ of the Bankruptcy Code on the ____ day of _____, 200_.

2. Creditor is the seller/lessor [or otherwise] of property to the debtor(s), and pursuant to Mont. LBR 6006-1, provides the following information: [Attach copies of executory contract or unexpired lease, or refer to Proof of Claim or other location of such documents in the file.]

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____. Additional charges claimed are \$ _____ (describe with specificity).

(b) The date upon which the subject debt was incurred: _____.

(c) Creditor is a seller/lessor [or specify] of the following described property:

_____.
(d) A description of the property, including its location, is as follows:

_____.

(e) The fair market value of the property subject to the executory contract or unexpired lease is \$ _____.

(f) A description of, and the amounts due upon, any other interests which have priority over that of Creditor are as follows:

_____.

(g) If the debtor is in default, the number of defaulted installments and the total amount in default are as follows:

_____.

(h) Provisions of debtor's proposed cure [if applicable] are as follows:

_____.

(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 365: _____.

(j) Other facts which are relevant in determining whether relief should be granted are as follows: _____

_____.

WHEREFORE, the undersigned moves the Court to grant this Motion to Assume [Reject] Executory Contract [or Unexpired Lease] pursuant to 11 U.S.C. § 365_____, and to grant such other relief as the Court may deem appropriate.

DATED this ____ day of _____, 20__.

By: _____
Attorney for Creditor

NOTICE

If you object to the motion, you must file a written responsive pleading and request

a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____

Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed "under penalty of perjury.")

Mont. LBF 26. Request for In-person Hearing.

Name of Attorney/Party in Interest

Address

Phone No.

[If applicable:]

(Attorney for _____)

State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____

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Debtor(s). _____

)

REQUEST FOR IN-PERSON HEARING

Pursuant to Mont. LBR 5074-1, the undersigned respectfully requests that the Court schedule and conduct the hearing or trial on [describe the matter in issue] in person. The undersigned asserts that good cause exists for the Court to conduct the hearing in person for the following reason:

The undersigned has contacted or attempted to contact other affected parties to gain their consent to this request, and advises the Court regarding such contacts or attempts as follows:

WHEREFORE, the undersigned respectfully requests the Court to conduct the hearing or trial on _____ in person.

DATED this ____ day of _____, 200_.

By: _____

Attorney for _____

CERTIFICATE OF SERVICE

Mont. LBF 27. Motion to Dismiss [Convert] and Notice.

State Bar I.D. Number _____

In re: _____) Case No. _____
 _____)
 _____)
 _____)
 Debtor(s). _____)

MOTION TO DISMISS [CONVERT], AND NOTICE

By: _____
Attorney for _____

NOTICE

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____

Attorney for _____

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Name of Attorney _____
 Address _____
 Phone No. _____
 Attorney for _____
 State Bar I.D. Number _____

In re: _____) Case No. _____
 _____)
 _____)
 _____)
 Debtor(s). _____)

Pursuant to F.R.B.P. 3007 and Mont. LBR 3007-2, the undersigned respectfully objects to the Proof of Claim filed in the above-entitled case by _____, which is claim number ____ on the Claim Register maintained by the Clerk of Court. The grounds for this objection are as follows:

By: _____
Attorney for _____

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 30 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____

Attorney for _____

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Name of Attorney _____
Address _____
Phone No. _____
Attorney for _____
State Bar I.D. Number _____

In re: _____) Case No. _____
 _____)
 _____)
 _____)
 Debtor(s). _____)

Pursuant to F.R.B.P. 4003 and Mont. LBR 4003-3, the undersigned respectfully objects to the debtor's claim of exemption for the following described asset:

By: _____
Attorney for _____

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time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____
Attorney for _____

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

Mont. LBF 30. Application for Professional Fees and Costs and Notice.

Name of Attorney

Address

Phone No.

Attorney for _____

State Bar I.D. Number _____

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re:

Debtor.

Case No.

NOTICE OF APPLICATION FOR PROFESSIONAL FEES AND COSTS

NOTICE IS HEREBY GIVEN that _____ *proponent/professional* _____
has submitted to the U.S. Bankruptcy Court for the District of Montana an application for
professional fees in the amount of \$_____ and costs in the amount of \$_____.

If you object to the application, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the notice. The responding party shall schedule the hearing on the application at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no response and request for hearing are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

The proponent shall provide a copy of the application to any party requesting a copy, at no cost, within five (5) days of the request.

DATED this ____ day of _____, 200_.

(proponent/professional)

(A certificate of service shall be attached stating under penalty of perjury that all parties listed on the master mailing list have been provided with a copy of this notice.)

**UNITED STATES TRUSTEE
GUIDELINES FOR REVIEWING APPLICATIONS
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES
FILED UNDER 11 U.S.C. § 330**

ORDER

The appended Guidelines have been adopted by the Executive Office for United States Trustees this date and supersede the Guidelines previously issued by the Executive Office on March 22, 1995.

Dated: January 30, 1996 Joseph Patchan, Director
Executive Office for U.S. Trustees

**UNITED STATES TRUSTEE
GUIDELINES FOR REVIEWING APPLICATIONS
FOR COMPENSATION AND REIMBURSEMENT OF
EXPENSES
FILED UNDER 11 U.S.C. § 330**

Issued January 30, 1996

I. GENERAL INFORMATION

- A. The Bankruptcy Reform Act of 1994 amended the responsibilities of the United States Trustees under 28 U.S.C. § 586(a)(3)(A) to provide that, whenever they deem appropriate, United States Trustees will review applications for compensation and reimbursement of expenses under section 330 of the Bankruptcy Code, 11 U.S.C. § 101, et seq. ("Code"), in accordance with procedural guidelines ("Guidelines") adopted by the Executive Office for United States Trustees ("Executive Office"). The following Guidelines have been adopted by the Executive Office and are to be uniformly applied by the United States Trustees except when circumstances warrant different treatment.
- B. The United States Trustees shall use these Guidelines in all cases commenced on or after October 22, 1994.
- C. The Guidelines are not intended to supersede local rules, but should be read as complementing the procedures set forth in local rules.
- D. Nothing in the Guidelines should be construed:
 - 1. to limit the United States Trustee's discretion to request additional information necessary for the review of a particular application or type of application;
 - 2. to limit the United States Trustee's discretion to determine whether to file comments or objections to applications; or
 - 3. to create any private right of action on the part of any person enforceable in litigation with the United States Trustee.
- E. Recognizing that the final authority to award compensation and reimbursement under section 330 of the Code is vested in the Court, the Guidelines focus on the disclosure of information relevant to a proper award under the law. In evaluating fees for

professional services, it is relevant to consider various factors including the following: the time spent; the rates charged; whether the services were necessary to the administration of, or beneficial towards the completion of, the case at the time they were rendered; whether services were performed within a reasonable time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; and whether compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in non-bankruptcy cases. The Guidelines thus reflect standards and procedures articulated in section 330 of the Code and Rule 2016 of the Federal Rules of Bankruptcy Procedure for awarding compensation to trustees and to professionals employed under section 327 or 1103. Applications that contain the information requested in these Guidelines will facilitate review by the Court, the parties, and the United States Trustee.

- F. Fee applications submitted by trustees are subject to the same standard of review as are applications of other professionals and will be evaluated according to the principles articulated in these Guidelines. Each United States Trustee should establish whether and to what extent trustees can deviate from the format specified in these Guidelines without substantially affecting the ability of the United States Trustee to review and comment on their fee applications in a manner consistent with the requirements of the law.

II. CONTENTS OF APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

All applications should include sufficient detail to demonstrate compliance with the standards set forth in 11 U.S.C. § 330. The fee application should also contain sufficient information about the case and the applicant so that the Court, the creditors, and the United States Trustee can review it without searching for relevant information in other documents. The following will facilitate review of the application.

- A. **Information about the Applicant and the Application.** The following information should be provided in every fee application:
 - 1. Date the bankruptcy petition was filed, date of the order approving employment, identity of the party represented,

date services commenced, and whether the applicant is seeking compensation under a provision of the Bankruptcy Code other than section 330.

2. Terms and conditions of employment and compensation, source of compensation, existence and terms controlling use of a retainer, and any budgetary or other limitations on fees.
3. Names and hourly rates of all applicant's professionals and paraprofessionals who billed time, explanation of any changes in hourly rates from those previously charged, and statement of whether the compensation is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.
4. Whether the application is interim or final, and the dates of previous orders on interim compensation or reimbursement of expenses along with the amounts requested and the amounts allowed or disallowed, amounts of all previous payments, and amount of any allowed fees and expenses remaining unpaid.
5. Whether the person on whose behalf the applicant is employed has been given the opportunity to review the application and whether that person has approved the requested amount.
6. When an application is filed less than 120 days after the order for relief or after a prior application to the Court, date and terms of the order allowing leave to file at shortened intervals.
7. Time period of the services or expenses covered by the application.

B. **Case Status.** The following information should be provided to the extent that it is known to or can be reasonably ascertained by the applicant:

1. In a chapter 7 case, a summary of the administration of the case including all moneys received and disbursed in the case, when the case is expected to close, and, if applicant is seeking an interim award, whether it is feasible to make an interim distribution to creditors without prejudicing the rights of any creditor holding a claim of equal or higher priority.

2. In a chapter 11 case, whether a plan and disclosure statement have been filed and, if not yet filed, when the plan and disclosure statement are expected to be filed; whether all quarterly fees have been paid to the United States Trustee; and whether all monthly operating reports have been filed.
3. In every case, the amount of cash on hand or on deposit, the amount and nature of accrued unpaid administrative expenses, and the amount of unencumbered funds in the estate.
4. Any material changes in the status of the case that occur after the filing of the fee application should be raised, orally or in writing, at the hearing on the application or, if a hearing is not required, prior to the expiration of the time period for objection.

C. **Summary Sheet.** All applications should contain a summary or cover sheet that provides a synopsis of the following information:

1. total compensation and expenses requested and any amount(s) previously requested;
2. total compensation and expenses previously awarded by the court;
3. name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;
4. total hours billed and total amount of billing for each person who billed time during billing period; and
5. computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time.

D. **Project Billing Format**

1. To facilitate effective review of the application, all time and service entries should be arranged by project categories. The project categories set forth in Exhibit A should be used to the extent applicable. A separate project category should be used for administrative matters and, if payment is requested, for fee application preparation.

2. The United States Trustee has discretion to determine that the project billing format is not necessary in a particular case or in a particular class of cases. Applicants should be encouraged to consult with the United States Trustee if there is a question as to the need for project billing in any particular case.
3. Each project category should contain a narrative summary of the following information:
 - a. a description of the project, its necessity and benefit to the estate, and the status of the project including all pending litigation for which compensation and reimbursement are requested;
 - b. identification of each person providing services on the project; and
 - c. a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.
4. Time and service entries are to be reported in chronological order under the appropriate project category.
5. Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour. Services should be noted in detail and not combined or "lumped" together, with each service showing a separate time entry; however, tasks performed in a project which total a de minimis amount of time can be combined or lumped together if they do not exceed .5 hours on a daily aggregate. Time entries for telephone calls, letters, and other communications should give sufficient detail to identify the parties to and the nature of the communication. Time entries for court hearings and conferences should identify the subject of the hearing or conference. If more than one professional from the applicant firm attends a hearing or conference, the applicant should explain the need for multiple attendees.

E. Reimbursement for Actual, Necessary Expenses.

Any expense for which reimbursement is sought must be actual and necessary and supported by documentation as appropriate. Factors relevant to a determination that the expense is proper include the

following:

1. Whether the expense is reasonable and economical. For example, first class and other luxurious travel mode or accommodations will normally be objectionable.
2. Whether the requested expenses are customarily charged to non-bankruptcy clients of the applicant.
3. Whether applicant has provided a detailed itemization of all expenses including the date incurred, description of expense (e.g., type of travel, type of fare, rate, destination), method of computation, and, where relevant, name of the person incurring the expense and purpose of the expense. Itemized expenses should be identified by their nature (e.g., long distance telephone, copy costs, messengers, computer research, airline travel, etc.) and by the month incurred. Unusual items require more detailed explanations and should be allocated, where practicable, to specific projects.
4. Whether applicant has prorated expenses where appropriate between the estate and other cases (e.g., travel expenses applicable to more than one case) and has adequately explained the basis for any such proration.
5. Whether expenses incurred by the applicant to third parties are limited to the actual amounts billed to, or paid by, the applicant on behalf of the estate.
6. Whether applicant can demonstrate that the amount requested for expenses incurred in-house reflect the actual cost of such expenses to the applicant. The United States Trustee may establish an objection ceiling for any in-house expenses that are routinely incurred and for which the actual cost cannot easily be determined by most professionals (e.g., photocopies, facsimile charges, and mileage).
7. Whether the expenses appear to be in the nature of nonreimbursable overhead. Overhead consists of all continuous administrative or general costs incident to the operation of the applicant's office and not particularly attributable to an individual client or case. Overhead includes word processing, proofreading, secretarial and other clerical services, rent, utilities, office equipment and furnishings, insurance, taxes, local telephone and monthly car phone charges, lighting, heating and cooling, and library

and publication charges.

8. Whether applicant has adhered to allowable rates for expenses as fixed by local rule or order of the Court.